

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

08 Cr. 162 (RPP)

JACOB NATANOV, :

Defendant. :

-----X

**MEMORANDUM OF LAW IN OPPOSITION TO
THE DEFENDANT'S PRE-TRIAL MOTIONS**

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- Of Counsel -

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 - v. - : 08 Cr. 162 (RPP)
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**MEMORANDUM OF LAW IN OPPOSITION TO
THE DEFENDANT'S PRE-TRIAL MOTIONS**

The Government respectfully submits this memorandum of law in opposition to defendant Jacob Natanov's pre-trial motions to: (1) dismiss the Indictment, (2) inspect Grand Jury minutes, and (3) suppress evidence to be offered at trial against the defendant. As set forth below, the defendant's motion should be denied in all respects.

BACKGROUND

Indictment 08 Cr. 162 (RPP), attached to the Defendant's Motion as Exhibit A, charges Jacob Natanov (the "defendant") with conspiracy to launder money, in violation of Title 18, United States Code, Section 1956(h).

As set forth in the Criminal Complaint filed in this matter, which is attached to the Defendant's Motion as Exhibit B, in or about 2007, Special Agent Elizabeth Nygaard became aware of a fraudulent scheme by which elderly victims were informed by telephone that they had won a cash prize, but were told that they must pay certain fees in order to claim the prize. The victims

were then instructed to send money by Federal Express and other similar carriers to particular addresses in the New York metropolitan area. After the money was sent, the victims were often asked to send more money through Federal Express and other similar carriers to particular addresses in order to claim their prize. Ultimately, no prize or money award was ever sent to any of the victims. (Complaint p.2)

From interviewing victims of this fraudulent scheme and reviewing records provided by Federal Express, Special Agent Nygaard learned that packages of cash were being sent by victims to "NELLIE S 108-11 Queens Blvd., Flushing, N.Y." (Complaint p.2-3). A Federal Express employee who was interviewed also indicated that Federal Express Packages were being addressed to "NELLIES" and were being sent to "108-11 Queens Blvd" in Forest Hills, New York. (Complaint p.3). When this Federal Express employee attempted to deliver these packages to that address, he was directed to deliver these packages next door to "Nellie's Jewelry," at 108-09 Queens Boulevard," where a man signed for the packages by using the name "Jacobs." (Complaint p.3).

On or about June 26, 2007, as a Federal Express delivery truck was parking in the vicinity of Nellie's Fine Jewelry ("Nellie's"), located at 108-09 Queens Boulevard, Forest Hills, New York, Special Agent Elizabeth Nygaard of the FBI entered Nellie's and observed the defendant working behind the

jewelry counter. (June 26, 2007 FBI 302 ("Gov. Ex. A," also included as an unmarked Defense Exhibit)). Immediately after Special Agent Nygaard entered Nellie's, two Federal Express couriers entered and one of them handed the defendant a Federal Express package (the "Federal Express package"). (Gov. Ex. A). The defendant told this Federal Express courier that he could write, "Jacob, Coyne, whatever," for his records. (Gov. Ex. A). After the defendant received the package and the Federal Express couriers left Nellie's, Special Agent Nygaard was joined by other Special Agents (collectively, the "Special Agents") who together questioned the defendant about the Federal Express package that he had just received. (Gov. Ex. A).

The defendant was asked questions about the contents of the Federal Express package and why he used the name "Jacob" or "Coyne." (Gov. Ex. A). After the defendant answered these questions, the Special Agents asked the defendant to open the Federal Express package. (Gov. Ex. A). The defendant then opened the package and found a Reader's Digest magazine wrapped in snowman wrapping paper which was taped up on three sides with masking tape (the "taped up magazine"). (Gov. Ex. A). When asked to open the taped up magazine, the defendant refused to untape the magazine. (Gov. Ex. A). The defendant was asked by one of the Special Agents what he would do with this magazine. The defendant said he would throw it out. (Gov. Ex. A).

One of the Special Agents then asked the defendant if they could take the magazine with them. The defendant answered that they could. (Gov. Ex. A). The Special Agents then walked out of Nellie's without incident. At no point during that day was the defendant arrested or told that he was going to be placed under arrest. After the Special Agents had left Nellie's and opened the taped up magazine, they discovered that this magazine contained approximately \$4,000 in cash. (Gov. Ex. A).

As set forth in the Complaint, Special Agent Nygaard interviewed multiple victims and other individuals over the course of the investigation. (Complaint p.3-5). Ultimately, the investigation revealed that approximately 76 packages were sent by Federal Express to "Jeff Jacobs" and were delivered to "Nellie's Jewelry" at 108-11 Queens Boulevard, Forest Hills, New York, and approximately 32 packages were sent to another business operated by the defendant. (Complaint p.5).

For the purpose of the defendant's motion and the Government's opposition, the facts as set forth above are uncontested by the defendant.

ARGUMENT

The defendant's motions are without merit. The defendant's arguments concerning dismissal of the indictment and for inspection of grand jury minutes clearly fail. Additionally, the defendant's motion to suppress the contents of the Federal

Express package given by the defendant to FBI Special Agents can be dismissed without a hearing based upon uncontested facts.

I. DEFENDANT'S MOTION TO DISMISS THE INDICTMENT AND REQUEST TO REVIEW GRAND JURY MINUTES SHOULD BE DENIED.

A. The Relevant Facts

On February 27, 2008, a Grand Jury sitting in the Southern District of New York returned an Indictment charging the defendant with one count of conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h).

On May 15, 2008, the defendant, through his counsel, filed a motion to dismiss the Indictment for "insufficient evidence and on further grounds that the evidence herein, insufficient as it is, resulted from property illegal seized from defendant, in violation of his Fourth Amendment rights." The defendant also argues that the Indictment should be dismissed because of "the absence of proof that the defendant knew anything about the fraud and was the intended recipient of the moneys seized by the Special Agent." The defendant further argues that "there is no evidence in this case from which an inference of guilt on the part of [the defendant] may be drawn." However, in moving to dismiss the Indictment, the defendant's arguments challenge the sufficiency of the Government's evidence, not the sufficiency of the Indictment. As such, the defendant's arguments are properly raised as a motion for a judgment of

acquittal at the conclusion of the Government's case at trial, and not on a motion to dismiss the Indictment. As a result, the defendant's motion to dismiss the Indictment must fail.

B. The Applicable Law

Generally, in deciding a motion to dismiss, a court looks only to the face of the indictment. See, e.g., United States v. Alfonso, 143 F.3d 772, 776 (2d Cir. 1998). To be legally sufficient, "an indictment need do little more than to track the language of the statute charged and state the time and place (in approximate terms) of the alleged crime." United States v. Stavroulakis, 952 F.2d 686, 693 (2d Cir. 1992) (citations omitted); United States v. Walsh, 194 F.3d 37, 44 (2d Cir. 1999) (citations omitted). An indictment is sufficient when it charges a crime with sufficient precision to inform the defendant of the charges he must meet and with enough detail that he may plead double jeopardy in a future prosecution based on the same set of events. Hamling v. United States, 418 U.S. 87, 117 (1974); Russell v. United States, 369 U.S. 749, 763-65 (1962); Stavroulakis, 952 F.2d at 693; United States v. Tramunti, 513 F.2d 1087, 1113 (2d Cir. 1975).

The Federal Rules of Criminal Procedure encourage succinct criminal pleadings. See Fed. R. Crim. P. 7(c)(1). While precision and proper notice to the defendant cannot be sacrificed for the sake of brevity, courts view pleadings with

common sense and "[a]n indictment must be read to include facts which are necessarily implied by the specific allegations made." United States v. Silverman, 430 F.2d 106, 111 (2d Cir.), modified, 439 F.2d 1198 (2d Cir. 1970). When an indictment delineates the elements of a charged offense, however concisely, the underlying objectives of pleading - notice of the charge and protection against double jeopardy - may be further promoted by pre-trial discovery. See United States v. McClean, 528 F.2d 1250, 1257 (2d Cir. 1976). Furthermore, in a conspiracy case, "[t]he Supreme Court has held that . . . a [conspiracy] count need only 'identify the offense which the defendants conspired to commit . . .,' and that it need not 'with technical precision, state all the elements essential to the commission of the [substantive] crimes'" United States v. Messina, 481 F.2d 878, 880 (2d Cir. 1973) (quoting Williamson v. United States, 207 U.S. 425, 447 (1908)); see also United States v. Mitchell, 372 F. Supp. 1239, 1253 (S.D.N.Y.) ("An indictment charging the essential elements of a conspiracy need not allege with particularity the means by which the substantive crime alleged to be the object of the conspiracy was to be accomplished.") (citations omitted), appeal dismissed, 485 F.2d 1290 (2d Cir. 1973).

It is well established that a facially valid indictment may not be dismissed on the ground that it is based on

insufficient evidence. United States v. Williams, 504 U.S. 36, 54 (1992); United States v. Casamento, 887 F.2d 1141, 1182 (2d Cir. 1989). As the Supreme Court has stated, "it would run counter to the whole history of the grand jury institution to permit an indictment to be challenged on the ground that there was inadequate or incompetent evidence before the grand jury." Williams, 504 U.S. at 55 (internal quotation marks and citations omitted). Thus, a challenge to the adequacy of the evidence does not provide a basis for dismissing the Indictment. United States v. Elson, 968 F. Supp. 900, 905 (S.D.N.Y. 1997).

C. Discussion

The conspiracy to commit money laundering charge in Count One of the Indictment properly tracks the statutory language and includes more than sufficient information to provide the defendant with notice of the charges he must meet, and afford him protection against double jeopardy in a future prosecution. Count One also sets forth the approximate times and places of the acts alleged. Second Circuit law makes clear that the language of the Indictment is sufficient to withstand a motion to dismiss the Indictment. See Stavroulakis, 952 F.2d at 693.

Rather than attacking the sufficiency of the allegations in the Indictment, the defendant attempts to anticipate what the evidence at trial will be, and argues that this evidence will not be sufficient to establish the defendant's

participation in a conspiracy to launder money. Of course, there has been no trial in this case, and the Government has not yet had the opportunity to present all admissible evidence and testimony to the trier of fact. It is precisely for this reason that in considering a motion to dismiss charges contained in an indictment, courts are limited to the actual language contained in the indictment. See Alfonso, 143 F.3d at 776; see also United States v. Velastegui, 199 F.3d 590, 592 n.2 (2d Cir. 1999) (noting that on a motion to dismiss an indictment, the Court must treat the allegations in the Indictment as true).

For similar reasons, issues as to the sufficiency of the evidence are generally not addressed on a pretrial motion to dismiss. See Alfonso, 143 F.3d at 777 (sufficiency of evidence satisfying jurisdictional element of Hobbs Act "is not appropriately decided on a motion to dismiss"). Federal Rule of Criminal Procedure 12(b)(2) itself provides that a defendant is only entitled to raise in pretrial motions a "defense, objection, or request which is capable of determination without the trial of the general issue." The appropriate time for a defendant's motion to dismiss charges based on insufficient evidence, such as the motion the defendant makes, is at the close of the Government's case-in-chief, when a defendant may make a Motion for a Judgment of Acquittal pursuant to Federal Rule of Criminal Procedure 29. See Fed. R. Crim. P. 29; see also United States v.

Luguis, 166 F. Supp.2d 776, 779 (S.D.N.Y. 2001) (denying motion to dismiss because "[t]he appropriate time for defendant's.... motion is at the close of the government's case-in-chief or of all the evidence or after the jury's verdict"); United States v. Villaneuva Madrid, 302 F. Supp.2d 187, 191-92 (S.D.N.Y. 2003) (pretrial motion to dismiss denied as premature); United States v. Labate, S1 00 Cr. 632 (WHP), 2001 WL 533714, at *6 (S.D.N.Y. May 18, 2001) (pretrial challenge to RICO indictment based on sufficiency of evidence denied as premature); United States v. Fruchter, 104 F. Supp.2d 289, 298 (S.D.N.Y. 2000) (same); United States v. Reale, No. S4 96 Cr. 1069 (DAB), 1997 WL 580778, at *5-6 (S.D.N.Y. Sept. 17, 1997) (same); United States v. Elson, 968 F. Supp. 900, 905 (S.D.N.Y. 1997) (same); United States v. Torres, No. S2 94 Cr. 466 (JFK), 1995 WL 261531, at *3 (S.D.N.Y. May 4, 1995) (same). These authorities make clear that the relief sought by the defendant is not available because the facts have yet to be determined at trial.

The defendant has cited no authority for the proposition that his motion is appropriately raised prior to trial and his arguments conflate the requirements for sufficient pleading with the standard of proof required at trial. In fact, the only authority cited by the defendant in support of his motion to dismiss charges in the Indictment involved challenges to the sufficiency of the evidence at trial. If, after the

Government has presented its case, the defendant contends that the facts presented at trial are insufficient to prove the charges in the Indictment, the defendant may make a Rule 29 motion at that point. Until then, the law makes clear that the defendant's attacks on the Government's proof are premature, and his motion to dismiss the Indictment should be denied.

See Alfonso, 143 F.3d at 777; Fed. R. Crim. P. 12(b)(2).

The defendant also has not provided any authority for inspecting the grand jury minutes. Absent "specific factual allegations of government misconduct" in the course of grand jury proceedings, inspection of grand jury minutes is rarely permitted. United States v. Torres, 901 F.2d 205, 233 (2d Cir. 1990). Even if the defendant's Fourth Amendment claims had merit, review of the grand jury proceedings to determine whether any admissible evidence was presented would be improper, because grand juries need not base their indictments on admissible evidence. Williams, 504 U.S. at 55; Costello v. United States, 350 U.S. 359, 363 (1956).

II. DEFENDANT'S MOTION TO SUPPRESS THE FEDERAL EXPRESS PACKAGE AND ITS CONTENTS SHOULD BE DENIED WITHOUT A HEARING.

A. The Relevant Facts

On or about June 26, 2007, as a Federal Express delivery truck was parking in the vicinity of Nellie's Fine Jewelry ("Nellie's"), located at 108-09 Queens Boulevard, Forest Hills, New York, Special Agent Elizabeth Nygaard of the Federal

Bureau of Investigation entered Nellie's and observed the defendant working behind the jewelry counter. Immediately after Special Agent Nygaard entered Nellie's, two Federal Express couriers entered and one of them handed the defendant a Federal Express package (the "Federal Express package"). The defendant told this Federal Express courier that he could write, "Jacob, Coyne, whatever," for his records. After the defendant received the package and the Federal Express couriers left Nellie's, Special Agent Nygaard was joined by two other Special Agents who questioned the defendant about the Federal Express package that he had just received.

The defendant was asked questions about the contents of the Federal Express package and why he used the name "Jacob" or "Coyne." After the defendant answered these questions, the Special Agents asked the defendant to open the Federal Express package. The defendant then opened the package and found a Reader's Digest magazine wrapped in snowman wrapping paper which was taped up on three sides with masking tape (the "taped up magazine"). When asked to open the taped up magazine, the defendant refused to untape the magazine. The defendant was asked by one of the Special Agents what he would do with this magazine. The defendant said he would throw it out.

One of the Special Agents then asked the defendant if they could take the magazine with them. The defendant answered

that they could. The Special Agents then walked out of Nellie's without incident. At no point during that day was the defendant arrested or told that he was going to be placed under arrest. After the Special Agents had left Nellie's and opened the taped up magazine, they discovered that this magazine contained approximately \$4,000 in cash. None of these facts as set forth above are controverted by the affidavit submitted by the defendant with his pre-trial motions, and as a result, the motion can be resolved without a hearing.¹

B. The Applicable Law

A search based on the consent of an individual may be undertaken without a warrant or probable cause, and any evidence discovered during the search may be seized and admitted at trial. See Schneckloth v. Bustamonte, 412 U.S. 218, 219 (1973); United States v. Deutsch, 987 F.2d 878, 883 (2d Cir. 1993). The touchstone of valid consent is voluntariness. Bustamonte, 412 U.S. at 235, 241; United States v. Garcia, 56 F.3d 418, 422-23 (2d Cir. 1995). The Fourth Amendment only prohibits

¹ The defendant asserts in his sworn affidavit that "agents did not ask [him] for permission to open the second package." However, this does not create an issue of fact that would require a hearing. The defendant does not contest that he allowed the interviewing agents to take the magazine (the "second package") with them. By indicating that he was going to throw out the magazine and by granting consent to the agents to take the "second package," case law clearly indicates as set forth below that the opening of the "second package" was therefore lawful.

"unreasonable" searches and seizures, and it is "well established" that an individual's voluntary consent to a search "render[s] it reasonable." United States v. Garcia, 56 F.3d at 422 (citations omitted). Accordingly, "[s]o long as the police do not coerce consent, a search conducted on the basis of consent is not an unreasonable search." Id. (citing Bustamonte, 412 U.S. at 228). "[K]nowledge of the right to refuse consent is not a requirement to a finding of voluntariness, although it may be a factor in considering whether the consent was coerced." Id. at 422-23 (citations omitted); see also United States v. Yu-Leung, 910 F.2d 33, 41 (2d Cir. 1990) (knowledge of right to refuse consent not required).

Consent "can be found from an individual's words, acts or conduct." United States v. Deutsch, 987 F.2d at 883 (internal quotation marks and citations omitted). To determine whether consent was voluntary or, on the other hand, "was the product of duress or coercion, express or implied," Bustamonte, 412 U.S. at 227, courts examine the totality of the circumstances surrounding the consent. Id. at 227; Garcia, 56 F.3d at 422; United States v. Puglisi, 790 F.2d 240, 243 (2d Cir. 1986). The factors used to determine whether express consent is voluntary or instead coerced include: the individual's knowledge of his right to refuse consent; the individual's age, intelligence and education; the length and the nature of questioning; the presence

of coercive police behavior; the use of physical punishments or deprivations; and whether the alleged consenting person was advised of his constitutional rights. Bustamonte, 412 U.S. at 226-27; see also United States v. Yu-Leung, 910 F.2d at 41; Puglisi, 790 F.2d at 243 (noting that "in cases where consent is obtained from a person in custody, [the reviewing court may consider] whether guns were drawn or the consenting individual was frisked or whether the consenting individual was threatened, was in a public area, or was informed that he had the option of refusing consent to the search") (citations omitted); see, e.g., United States v. Ceballos, 812 F.2d 42, 51 (2d Cir. 1987) (consent to search was voluntary where defendant was forcibly arrested, given Miranda warnings, questioned for a few hours, threatened with search warrant, and offered low bail and help in retaining job before giving consent).

The relevant factual inquiry is guided by an "objective standard," and the ultimate question is whether "the officer had a reasonable basis for believing that there had been consent to the search." Garcia, 56 F.3d at 423. A defendant claiming that consent was not voluntary must make a substantial showing of coercive conditions. As the Second Circuit has observed:

[T]he presence of three law enforcement officers [does not] lend significant support to a claim of coercion. Consent to a search has been found despite formal arrest, and such additional aggravating circumstances as handcuffing of a suspect, the presence of six law enforcement

officers in his home, and their assurance that they would remain indefinitely and secure a search warrant if consent were withheld.

Id. (internal citations omitted); see also Florida v. Jimeno, 500 U.S. 248, 251 (1991) ("The standard for measuring the scope of a suspect's consent under the Fourth Amendment is that of 'objective' reasonableness – what would the typical reasonable person have understood by the exchange between the officer and the suspect?").

In the alternative, abandonment or disclaimer of property can justify a search of that property without a warrant or probable cause. Mere ownership of property does not establish a legitimate expectation of privacy unless the owner vigilantly protects the right to exclude others. United States v. Torres, 949 F.2d 606, 608 (2d Cir. 1991). Therefore, even in the absence of a warrant, a search of property that has been abandoned or disclaimed does not violate a privacy interest. See id.

C. Discussion

Here, the defendant provided clear consent for the agents to search the Federal Express package and its contents. First, the defendant voluntarily opened the Federal Express package when asked to do so. When asked by the Special Agents what he would do with the contents of the Federal Express package, the taped up magazine, the defendant said that he would throw the package out. After the defendant made this statement,

when the Special Agents asked if they could take the package, the defendant stated that the Special Agents could take the package. By allowing the Special Agents to take the Federal Express package that he indicated that he was going to "throw out," the defendant consented to its search.

In his motion, the defendant first draws an inconsequential distinction between the Federal Express package (the "first package") that the defendant opened in the presence of the Special Agents and that package's contents, the taped up Reader's Digest magazine (which the defendant refers to as the "second package"). The defendant himself opened the Federal Express package and consented to the search of the taped up magazine by allowing the Special Agents to take the magazine with them, after he indicated that he was going to discard it anyway. As a result, the defendant did not need a warrant to open the taped up magazine and the discovery of its contents, \$4,000 in cash, is admissible as the fruit of a valid search.

The defendant also asserts that his consent was coerced by the Special Agents' "strategy of intimidation and the silent coercion that is participated upon their target with the element of surprise." The defendant argues that he "did not feel that he was free to reject their request or that he was free to leave" and that "a request from an FBI Agent is more like a direction with which [he] felt he had to comply."

The circumstances surrounding the defendant's consent counter such arguments, instead showing that his consent was voluntary and obtained without coercive behavior on the part of the FBI Special Agents. To determine whether consent was voluntarily given, courts examine the totality of the circumstances surrounding the consent. United States v. Isiofia, 370 F.3d 226, 230 (2d Cir. 2004). Factors considered include the individual's knowledge of his right to refuse consent, his age, intelligence, and education, length and nature of his questioning, or the presence of coercive law enforcement behavior. Id. at 226-27. Here, the defendant was approached by FBI agents at his business and was not taken to a private room or another location. The defendant was neither handcuffed nor arrested. The FBI Special Agents did not draw their weapons or threaten arrest. In fact, the FBI Special Agents merely asked the defendant questions which the defendant freely answered. The questioning itself took place over a brief period of time, lasting approximately fifteen minutes.

When the defendant was asked to open the Federal Express package, he voluntarily opened the package, discovering the taped up Reader's Digest magazine. Importantly, when asked to open the magazine, the defendant refused to open it. The defendant's refusal shows that he was not merely acquiescing to the authority of the Special Agents. The fact that the defendant

felt free to refuse such a request counsels in favor of the voluntariness of the defendant's answers to questions and his actions. If the defendant was as intimidated and as pressured as he implies in his argument in support of his motions, he would not have felt free to refuse the request by the FBI Special Agents to open up the taped up magazine. After this refusal and his statement that he intended to throw out the taped up magazine, the defendant told the Special Agents that they could take the magazine with them, both implying his consent to search and abandoning the magazine into the custody of the Special Agents.

The defendant argues that the Special Agents should have gotten a search warrant to search the supposed "second package," the taped up magazine, after the defendant had given it to Special Agents. However, it is well settled that a search based upon the consent of an individual may be undertaken without a warrant and any evidence discovered during that search may be seized and admitted at trial. Bustamonte, 412 U.S. at 219. Even if the defendant is correct in considering the Federal Express package and the enclosed taped up magazine as separate "packages," consent extends to interior containers if a reasonable person would construe the scope of consent to cover those containers. See Florida v. Jimeno, 500 U.S. 248, 250-51 (1991); United States v. Mire, 512 F.3d 349, 352 (2d Cir. 1995);

United States v. Snow, 44 F.3d 133, 135 (2d Cir. 1995). As a result, the defendant's motion to suppress the Federal Express package and its contents must be denied.


CONCLUSION

For the foregoing reasons, the defendant's pre-trial motions should be denied in their entirety without a hearing.

Dated: New York, New York
May 29, 2006

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By: 

Steve C. Lee
Assistant United States Attorney
Tel. (212) 637-2413

DECLARATION OF SERVICE

I, STEVE C. LEE, declare pursuant to 28 U.S.C. § 1746 that on May 29, 2008, I caused one copy of the Government's Memorandum of Law in Opposition to the Defendant's Pre-Trial Motions to be delivered to:

Albert Y. Dayan, Esq.
80-02 Kew Gardens Road
9th Floor
Kew Gardens, New York 11415

I declare under penalty of perjury that the foregoing is true and correct.

May 29, 2008


STEVE C. LEE

GOVERNMENT EXHIBIT A

On June 26, 2007, a surveillance was conducted in the vicinity of NELLIES FINE JEWELRY, 108-09 Queens, Blvd., Forest Hills, N.Y., telephone (718) 793-6908.

At approximately 10:10 a.m., a FedEx delivery truck parked in the vicinity of NELLIES. SA Nygaard walked into NELLIES, and found a person later identified as JAKOB NATANOV, date of birth 01/19/1958, working behind the jewelry counter. Immediately after SA Nygaard entered the premises, FedEx Courier George Rivera and a FedEx trainee entered the premises. When the Fed Ex couriers entered, NATANOV walked over to them and he was handed a package bearing FedEx number 8592 0570 0478. The FedEx courier asked what name he should write down for his records, and NATANOV, in substance, said "JACOB, COYNE, whatever". SA Karounos, and SA Linder entered as the FedEx couriers exited. NATANOV was then interviewed about the package that had been delivered.

NATANOV said he does not know what is in the FedEx package, but it could be a magazine. NATANOV often gets calls from people who say they want to send him magazines. Among the types of magazine are trade magazines. The magazines come via Fed Ex. He opens the packages and then throws away the magazines.

NATANOV was asked why he told the Fed Ex courier that he could write down JACOB or COYNE as the person who accepted delivery. NATANOV said the he sometimes goes by the name COIN. When NATANOV was asked why the name COYNE did not appear on his passport or his driver's license, NATANOV continued to say that COYNE is a name he uses.

The interviewing agents asked NATANOV to open the Fed Ex package. NATANOV opened the package and found a Reader's Digest Magazine wrapped in snowman wrapping paper. The Reader's Digest magazine was taped up on three sides with masking tape. NATANOV refused to untape the magazine to see what, if anything, was inside the magazine. NATANOV was asked what he would do with this magazine. NATANOV said that he would throw it out.

The interviewing agents then asked if they could take the magazine with them. NATANOV said that they could. The package contained \$4,000 in cash.

Investigation on 06/26/07 at Queens, N.Y.

File # 196D-NY-290468 INV 8F -18

by SA Elizabeth Nygaard
SA Christopher McKeon

Date dictated 06/26/07

SA Michael Linder
SA John G. Karounos

196D-NY-290468 INV 8F

Continuation of FD-302 of Jakob Natanov , On 06/26/07 , Page 2

While the interviewing agents were talking to NATANOV, the telephone rang. The caller ID said the call was from telephone (718) 669-0364.

After exiting the premises, SA Linder and SA Nygaard waited outside for another FedEx delivery. At about 11:00 a.m. FedEx courier JUAN BENCOSME delivered package bearing Fed Ex tracking number 8620 7268 0014. NELLIES was closed, and there was a sign on the door saying that they would reopen at 12:00. BENCOSME gave the FedEx package to SA Nygaard. The package contained \$5,000 in cash.

NATANOV was in possession of his wife's U.S. Passports. The following information was obtained from the passport:

Name: NILI NATANOB
Date of birth: 09/06/1956
US Passport No.425 911 351

The following information was obtained from JAKOB NATANOV's passport

Name: JAKOB NATANOV
Date of birth: 01/19/1958
U.S. Passport No.425 911 350

JAKOB NATANOV was also in possession of the following passport

Name: YAKOV NATANOV
Date of birth: 01/19/1958
Israeli Passport No.8861135